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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6120 of 2007

PETITIONERS	P.D. Dahariya, son of Late Banau Das Dahariya, aged about 61 years, Presently working as Professor, Unnat Adhyyan Shiksha Sansthan, Bilaspur (Chhattisgarh), R/o P.G.B.T. College Campus, Bilaspur (C.G)
	Versus
RESPONDENTS	State of Chhatisgarh, Through the Secretary, Department of School Education, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri R.K. Kesharwani, counsel for the petitioners.

Shri Satish Gupta, Dy. Government Advocate for the State on advance copy.

ORAL ORDER
(16.10.2007)

SUNIL KUMAR SINHA, J

Heard.

The petitioner, who is working on the post of Professor at Bilaspur, has been transferred from Bilaspur to Mahasamund on administrative grounds vide order dated 21/9/2007.

Learned counsel for the petitioner, referring to Annexure P/2 submits that the date of birth of the petitioner is 03.08.1946, according to which, the petitioner is to retire on 2.8.2008, therefore, about 11 months were left for retirement of the petitioner on the date of passing of the transfer order dated 21/09/2007. He submits that in the said circumstances, the case of the petitioner was to be governed by clause 7 of the Policy of the State dated 13th June 2007.

I have heard learned counsel for the petitioner as also learned counsel for the State and have gone through the contents of the Policy.

Clause 7 of the policy reads as under:

> "7 जिन शासकीय सेवकों की सेवानिवृत्ति के लिए 1 वर्ष का समय शेष रह गया हो, उन्हें गृह जिले में अथवा उनके विकल्प के जिले में पदस्थ किया जा

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सकेगा, यदि सामान्य पुस्तक परिपत्र के अनुसार यह अनुज्ञेय हो ।"

After going through the contents of the Writ Petition as also contents of the Policy dated 13th June 2007, I am of the opinion that the ends of justice would be served if the petitioner is directed to file a representation before the concerned authority and the concerned authority is directed to dispose of the representation in accordance with the provisions of policy itself.

In view of the above, the petition is disposed of with a direction that if so advised, the petitioner may file a detailed representation before the concerned authority alongwith a copy of this order and the copy of the Writ Petition within a period of 3 weeks from today and if such a representation is filed, the same shall be disposed of by the concerned authority, as early as possible, preferably within a period of 2 months from the date of receipt of the said representation in light of the provisions of Clause 7 of the said Policy and time of about 11 months left for retirement of the petitioner.

It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting i.e. Bilaspur and shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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